

REMARKS

In the Office Action mailed 08/09/2005, the Examiner rejected the claims under 35 U.S.C. 102(e) as being unpatentable over Yung et al. (U.S. Patent No. 6,909,974). The Examiner further indicated that changes made to 35 U.S.C 102(e) by the American Inventors Protection Act of 1999 did not apply to the examination of the instant application. Applicant's note that this application was filed on or after November 29, 2000 and believe that 35 U.S.C. 102(e) and other sections as amended by the AIPA should apply. Clarification on this point is kindly requested.

Further to the Office Action, Applicants herewith submit Declarations Under 37 C.F.R. 1.131 declaring that the inventors conceived and began reducing to practice the claimed invention prior to June 4, 2002, the earliest priority date available to U.S. Patent No. 6,909,974 to Yung et al. (hereafter "the Yung application"). Applicants believe that even if portions of the Yung application are considered prior art, the Yung application fails to disclose or render obvious the presently claimed invention. Accordingly, Applicants would traverse any rejection posed by the USPTO and citing the Yung application.


Should the Examiner deem that any additional action by Applicants or Applicant's undersigned representative is desirable and/or necessary to further prosecution of this application; the Examiner is invited to telephone the undersigned at 650-638-6932.

Fee Authorization

Should any extension of time and/or fee be necessary for timely submission of this paper, such extension of time is hereby requested, and the Commissioner is hereby authorized to charge **Deposit Account No. 01-2213 (order no. 4981)**. Any deficiency or overpayment should be charged or credited to this deposit account.

Respectfully submitted,

Date: February 6, 2006



Kirk E. Pastorian
Reg. No. 48,756
Agent for Applicants

CORRESPONDENCE ADDRESS

Customer Number: 22896
Applera Corporation
Applied Biosystems Group
850 Lincoln Centre Drive
Foster City, California 94404
TEL: 650-638-6932
FAX: 650-638-6677